

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re CHEMED CORP. SECURITIES
LITIGATION

No. 1:12 -cv-00028-MRB
(Judge Michael R. Barrett)

**DEFENDANTS'
UNOPPOSED MOTION
FOR EXTENSION OF TIME
TO FILE THEIR REPLY
MEMORANDUM IN
FURTHER SUPPORT OF
THEIR MOTION TO
DISMISS**

Pursuant to Fed. R. Civ. P. 6(b)(1), Local Rule 7.3 (a), Defendants Chemed Corp., Kevin McNamara, David Williams and Timothy O'Toole (collectively, "Defendants") move for an extension of an additional eleven days from the date contemplated by the Court's pre-trial scheduling order (ECF No. 30) to file their Reply Memorandum of Law in Further Support of Their Motion to Dismiss Plaintiffs' Amended Complaint. If granted, that would mean that Defendants must file their Reply Memorandum on or before November 26, 2012.

This is Defendants' first request for an extension of time to file their Reply Memorandum. Plaintiffs do not oppose the extension.

A proposed order is being submitted contemporaneously.

MEMORANDUM IN SUPPORT

Under the Court's scheduling order dated April 9, 2012 (ECF No. 30), Defendants must file and serve their Reply Memorandum in further support of their motion to dismiss by November 15, 2012. Counsel for Defendants respectfully seek an extension of that deadline in light of the disruptive effects of Hurricane Sandy in New York City and its environs. As a result of the Hurricane, the offices of Defendants' New York counsel were closed and electrical power was lost through much of New York City. Public transportation was also disrupted. Given the disruption caused by Hurricane Sandy, which precluded Defendants' counsel from working on the Reply Memorandum, Defendants respectfully request that they be granted an extension of time up to and including Monday, November 26, 2012, to file their Reply Memorandum.

This is Defendants' first request for an extension of time to file their Reply Memorandum. As required by Local Rule 7.3(a), Defendants' counsel have consulted with Plaintiffs' counsel, who indicated that Plaintiffs do not oppose the extension.

Dated: November 8th, 2012.

DINSMORE&SHOHL LLP

By

s/Brian S. Sullivan

Brian S. Sullivan(0040219)

Member of the Firm

255 E. Fifth Street, Suite 1900

Cincinnati, OH 45202

(513) 977-8200

brian.sullivan@dinsmore.com

Trial Attorney for Defendants

Timothy G. Cameron

CRAVATH, SWAINE & MOORE LLP

Worldwide Plaza

825 Eighth Avenue

New York, NY 10019

(212) 474-1120

tcameron@cravath.com

Attorney for Defendants

Admitted Pro Hac Vice